

TFC Contract No. 18-110-000
Energy Testing & Balance, Inc.
Assignment No. 2
Project No. 10-036-0405

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
ENERGY TESTING & BALANCE, INC.**

TFC CONTRACT NO. 18-110-000

ASSIGNMENT NO. 2

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 2 (hereinafter referred to as "Assignment No. 2" or "Assignment") is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as "TFC") and Energy Testing & Balance, Inc., located at 2306 RR 620 North, Austin, Texas 78734 (hereinafter referred to as "PSP") (TFC and PSP are hereinafter referred to individually as a "Party" or collectively as "Parties"), to be effective on the Effective Date (as defined below) and the terms and conditions of which are as follows.

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as providing heating, ventilating and air conditioning professional audit services on site at the DPS Laredo Crime Lab in support of the engineer review of the existing heating, ventilating and air conditioning services (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-2," PSP's IDIQ Assignment No. 2 Proposal dated April 1, 2019, attached hereto and incorporated herein for all purposes and consisting of Two (2) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 2 shall be completed no later than August 1, 2021, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 2.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 2.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 2 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 2 shall not exceed the sum of Thirty-Four Thousand Three Hundred Twenty-Four and No/100 Dollars (\$34,324.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the

TFC Contract No. 18-110-000
Energy Testing & Balance, Inc.
Assignment No. 2
Project No. 10-036-0405

last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR: For this Assignment No. 2, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-2."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

[This Space Intentionally Left Blank]

TFC Contract No. 18-110-000
Energy Testing & Balance, Inc.
Assignment No. 2
Project No. 10-036-0405

ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

This Assignment shall be effective as of the date of the last Party to sign.

TEXAS FACILITIES COMMISSION ENERGY TESTING & BALANCE, INC.

By: DocuSigned by:
Mike Novak
BTC9FC0A8020417...

Mike Novak

Executive Director

Date of execution: 05/15/2019 | 2:10 PM CDT

By: DocuSigned by:
Sonny Vidovic
2EF9490C419844A...

Sonny Vidovic

President

Date of execution: 05/15/2019 | 9:24 AM PDT

NRG GC

mw Dir

M DED

TFC Contract No. 18-110-000
Energy Testing & Balance, Inc.
Assignment No. 2
Project No. 10-036-0405

EXHIBIT A-2

PSP'S IDIQ ASSIGNMENT NO. 2 PROPOSAL DATED APRIL 1, 2019



ET&B IncTM
Energy Testing & Balance Incorporated

April 1, 2019

Proposal #: R-1270

F. Keith Hall AIA, LEED AP, CTCM
Sr. Project Manager
Texas Facilities Commission
Facilities Design & Construction
1711 San Jacinto Blvd.
Austin, TX 78701

Contract: IDIQ #18-110-000 and RFQ# 303-7-01633 Professional Test, Adjust & Balance

Project: DPS Crime Lab, Laredo, TX - HVAC Audit Services

Mr. Hall,

We are pleased to submit our proposal for professional engineering audit services of the heating, ventilating and air conditioning systems serving the above installation, per the terms of our contract IDIQ #18-110-000.

Our services are based on project drawings and specifications, discussions with Mr. Cameron Lubunski, P.E., with Tom Green & Company Engineers, and will address the following HVAC equipment:

A. HVAC Audit Services

| | |
|---------------------|-----|
| AHU's | 1 |
| AFMS | 1 |
| FCUs | 2 |
| Pumps | 3 |
| Chemical storage | 4 |
| Fume hoods | 6 |
| Fans | 5 |
| FPB's | 5 |
| VAV's | 16 |
| Lab Exh VAVs | 21 |
| Lab Make-up VAVs | 13 |
| Grilles | 111 |
| Air Cooled Chillers | 2 |
| Package A/C unit | 1 |

Our pricing assumes that services will be performed during normal business hours.

| <u>Role</u> | <u>HRS</u> | <u>Rate</u> | <u>Total</u> |
|------------------|------------|-------------|--------------|
| Project Engineer | 138 | \$115.00 | \$15,870.00 |
| Project Tech | 114 | \$ 85.00 | \$ 9,690.00 |
| Principal/PM | 8 | \$130.00 | \$ 1,040.00 |

Total Price for HVAC Audit services: \$ 26,600.00

B. As per engineers request, after AUDIT report is submitted, two consecutive days of our TAB team presence, as assistance in the field to the design engineer's needs:

| <u>Role</u> | <u>HRS</u> | <u>Rate</u> | <u>Total</u> |
|------------------|------------|-------------|--------------|
| Project Engineer | 16 | \$115.00 | \$1,840.00 |
| Project Tech | 16 | \$ 85.00 | \$1,360.00 |
| Principal/PM | | \$130.00 | \$ 130.00 |

Total Price for field assistance, if requested: \$ 3,330.00

C. Reimbursable trip fees based on Standard Textravel/GSA rates:

| | |
|---|------------|
| In state Meals & Lodging – 12 nights @ (\$94+\$55)/night for 2 ee | \$3,576.00 |
| Mileage - 470 miles round trip x 3 trips @ .58 per mile | \$ 818.00 |

Total Reimbursables \$4,394.00

TOTAL PRICE FOR ALL SERVICES (A+B+C) not to exceed: \$ 34,324.00

Thank you for giving us opportunity to work with you. If we may be of any further assistance, please do not hesitate to contact our office at any time.

Sincerely,

Sonny Vidovic, M.Sc., P.E. CxA
President
Energy Testing & Balance, Inc
2306 RR 620 N
Austin, TX 78734
512-266-2424

TFC Contract No. 18-110-000
Energy Testing & Balance, Inc.
Assignment No. 2
Project No. 10-036-0405

EXHIBIT B-2

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

DPS Laredo Crime Lab
#10-036-0405
E T & B Inc.
LIST OF A/E PROJECT MANAGER
AND
SUBCONTRACTORS

| | | |
|------------------------|--|---|
| A. AE Project Manager: | | Name: Sonny Vidovic Title: President Address: 2306 RR 620 N, Austin, TX 78734 Phone 512-266-2424 C: 512-751-2221 Email: sonny@energytesting.com |
| | | |
| B. Subconsultant: | | name title address phone email |
| | | |
| C. Subconsultant: | | N/A |